C.S. 1002

(3)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3192 OF 2004

PETITIONER :

Dr. Asha Ram Pal,
S/o Shri L.S. Pal,
Aged about 59 years,
Professor Indira Gandhi
Krishi Vishvidyalaya,
Krishak Nagar,
Raipur (C.G.)

P.R. No. 3191/04
Presented by Shri Rajesh Kumar Yadav
dated 10-9-04

VERSUS

RESPONDENTS :

1. Indira Gandhi Krishi Vishwavidyala Through Registrar Krishak Nagar, Raipur (C.G.)
2. Board of Management Through Secretary Indira Gandhi Krishi Vishwavidyalaya Krishak Nagar, Raipur (C.G.)
3. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya Krishak Nagar, Raipur (C.G.)
4. State of Chhattisgarh Through Secretary Department of Agriculture D.K.S. Bhawan Mantralaya Raipur (C.G.)

उपायुक्त एस. के. शुक्ला बिलासपुर तहसील केन्द्र
10/9/04

10.9.04
Bilaspur

Copy Received
10.09.04

(Rajesh Yadav Advocate)

5. Indian Council of Agriculture Research through Secretary Krishi Bhawan, Dr. Rajendra Prasad Marg, New Delhi

6. Academic Council Through Secretary Indira Gandhi Krishi Vishwavidyalaya Krishak Nagar, Raipur (C.G.)

Before : **Hon'ble The Chief Justice and his companion judges of the Hon'ble High Court of Judicature Chhattisgarh at Bilaspur**

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE DIRECTIONS, ORDERS OR WRITS, INCLUDING WRITS IN THE NATURE OF MANDAMUS CERTIORARI ETC.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P.No.3192/2004 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.07.2005 Mr. Neelabh Dubey, learned counsel for the petitioner. Mr. B.D. Guru, learned counsel for respondents 1, 2, 3 & 6. Mr. Pankaj Shrivastava, learned Panel Lawyer for the State of Chhattisgarh / respondent No.4. This writ petition filed by the petitioner under Article 226 of the Constitution of India impugnes the order dated 06.09.2004 (Annexure P-2) whereby the petitioner has been transferred to Rajmohini Devi College of Agriculture and Research Station, Ambikapur as acting Dean. 2. Learned counsel for the petitioner submits that the petitioner was appointed as Professor / Senior Scientist, Land and Water Management in the scale of Pay Rs.4500-150-5700-200-7300/- and posted at College of Agriculture, Raipur (Plan), newly created post vide order dated 01.05.1989 (Annexure P-4). It was contended by the learned counsel for the petitioner that since the petitioner was appointed as Professor in Land and Water Management, he could not be transferred to any other college as acting Dean where the subject of Land and Water Manager is not available. Next contention of the learned counsel for the petitioner is that the petitioner was transferred not as a Professor, Land and Water Manager, but as acting Dean, which is not a substantive post. Learned counsel for the petitioner further contended that the University has authority to transfer the petitioner within the University anywhere wherever the Land and Water Management course is available but in the capacity of Professor not in any other capacity.	

SP/FS/2005 - 20,000

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 3192/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

3. Mr. B.D. Guru, learned counsel appearing on behalf of respondents 1, 2, 3 & 6 submits that though the impugned order dated 06.09.2004 does not indicate that the petitioner was transferred as Professor but in fact the petitioner was transferred as Professor. Learned counsel for the respondents admits that there is no substantive post of acting Dean.

4. After hearing both the parties and perusing the records, it is found that order dated 06.09.2004 which reads as under:

"ORDER

Dr. A.R. Pal, Professor and Head, Department of Land and Water Management, College of Agriculture, Raipur is hereby transferred with immediate effect from College of Agriculture, Raipur to Ambikapur and posted as acting Dean, Rajmohini Devi College of Agriculture and Research Station, Ambikapur temporarily until further orders.

Dr. A.R. Pal will stand relived with the date of issue of this order to join his new assignment. Dr. Pal will exercise all administrative and financial power of Dean, Rajmohini Devi College of Agriculture and Research Station, Ambikapur.

Dr. R.B. Sharma (Professor, Soil Science), acting Dean, Rajmohini Devi College of Agriculture and Research Station, Ambikapur is hereby transferred with immediate effect from Ambikapur to Raipur and posted as Professor and Head, Department of Soil Science, College of Agriculture, Raipur temporarily until further orders.

Note:- the above officers will draw their salary for the month of September paid in October 2004 from their respective new places of posting.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P.No 3192/2004 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

By Order of the Vice-Chancellor
Sd/-
Registrar"

It is not mentioned that the petitioner was transferred as Professor. The order indicates that the petitioner was transferred as acting Dean, admittedly not a substantive post. It is further not stated in the order that the petitioner has been transferred as Professor, Land and Water Management Course.

5. It is informed by the learned counsel for the petitioner that the Department of Land and Water Management still exists in the College of Agriculture, Raipur (Plan) and no posting has been made. Learned counsel for the respondents does not dispute the position.

6. In view of the fact that the post of Professor in Land and Water Management at College of Agriculture, Raipur (Plan) is still vacant, the respondents are directed to allow the petitioner to continue as Professor, Land and Water Management at College of Agriculture, Raipur (Plan). The respondent authority is at liberty to transfer the petitioner anywhere within the University where the post of Professor in Land and Water Management is available.

7. Learned counsel for the petitioner further submits that the petitioner has not been paid salary from 06.09.2004 till date.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P.(S) 3192/2004 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8. Learned counsel for the respondents submits that the petitioner was not paid salary because the petitioner had not joined the place of posting. 9. The petitioner is granted liberty to make a representation and the respondents are directed to consider the same sympathetically within a period of one month from the date of making representation, if any. 10. In view of the foregoing, the petition is allowed. No order as to costs. Sd/- Satish K. Agnihotri Judge	

Sarma

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